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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,417	01/26/2004	Hajime Yagi	045237-0128	4715

22428 7590 08/02/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary	Application No.		Applicant(s)	
	10/763,417		YAGI, HAJIME	
	Examiner		Art Unit	
	David J. Makiya		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date : <u>6/28/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsieh (US Patent 5,574,443).

With respect to claim 1, Hsieh teaches an outside mirror 14 for a vehicle comprising: an image capturing unit CCD3 and a visible-light emitting unit 23 that emits visible light wherein the visible-light emitting unit is arranged within the mirror such that the visible light emitted does not directly enter into the image capturing unit (Figure 3).

With respect to claim 2, Hsieh further teaches the outside mirror wherein the visible-light emitting unit functions as a side-turn lamp (Column 6, Lines 42-43, 52-54).

With respect to claim 3, Hsieh further teaches the outside mirror wherein the visible-light unit includes a visible-light distribution controller (Column 6, Lines 42-43, 52-54).

With respect to claim 4, Hsieh further teaches the outside mirror comprising a lens (not numbered) that transmits the visible light emitted (Column 3, Lines 9-15).

With respect to claim 5, Hsieh further teaches the outside mirror wherein the visible-light emitting unit is provided as a unit part (Figure 3).

With respect to claim 6, Hsieh further teaches the outside mirror wherein the image capturing unit has a mechanism to be tilted by manual operation or by remote operation (Column 5, Lines 50-51).

With respect to claim 19, Hsieh further teaches the outside mirror wherein the image capturing unit captures an image of an area illuminated by the visible-light emitted or near the area.

With respect to claim 20, Hsieh further teaches the outside mirror wherein the visible-light emitting unit illuminates an area where the image capturing unit captures an image or near the area.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh in view of Roberts et al. (US Patent 6,441,943).

With respect to claim 7, Hsieh teaches the invention disclosed above. In addition, Hsieh further teaches an emitting unit that uses “an infrared illuminator for a visible sensing of the external subject at night or darkness” (Column 3, Lines 6-8). However, Hsieh does not teach the using of both visible light and infrared emitting units. Roberts et al. teaches an outside mirror, 2900, with multiple LED lamps, (i.e. 218, 2920, 2922, 2924, and 2926). Roberts et al. further teaches the outside mirror wherein the light emitting unit, 2924, emits infrared rays (IR),

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(Column 30, Lines 9-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hsieh invention with the Roberts et al. teachings because an additional infrared emitting unit would allow the monitoring system to operate in both daytime and nighttime conditions.

With respect to claim 8, Hsieh further teaches the outside mirror wherein the visible-light emitting unit functions as a side-turn lamp (Column 6, Lines 42-43, 52-54).

With respect to claims 9-10, Hsieh further teaches the outside mirror wherein the visible-light unit includes a visible-light distribution controller (Column 6, Lines 42-43, 52-54). Roberts et al. teaches the lamps connected to infrared ray distribution controller, 216 (Column 28, Lines 23-24). It would have been obvious to one of ordinary skill in the art to modify the Hsieh invention with the Roberts et al. teachings because the circuitry is necessary to operate the emitting units.

With respect to claims 11-12, Roberts et al. teaches the use of a lens, 2933, for a visible light emitter, 2920. Roberts et al. further teaches the use of a lens, 2937, for IR emitter, 2924 (Figure 29c). It would have been obvious to one of ordinary skill in the art to modify the Hsieh invention with the Roberts et al. teachings because lenses are necessary to refract the rays so they converge or diverge to form an image.

With respect to claim 13, Roberts et al. further teaches the outside mirror wherein the infrared ray emitting unit is provided as a unit part (Figure 29b). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hsieh invention with the teachings of Roberts et al. because emitters are cheaper and easier to assemble when unitary parts.

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With respect to claim 14, Roberts et al. teaches an outside mirror, 2900, wherein the IR emitting unit includes an IR source which includes at least one IR LED, 2924, that emits infrared rays. Roberts et al. further teaches the same mirror wherein the visible-light emitting unit includes a visible-light source which includes at least one visible LED, 2920, that emits visible light. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hsieh invention with the teachings of Roberts et al. because LEDs are light, cheap, and low-current emitters.

With respect to claim 15, Roberts teaches an outside mirror wherein the IR LED is mounted on one surface of a substrate, 2931, and the visible LED is mounted on another. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hsieh invention with the teachings of Roberts et al. because pointing emitters in multiple directions allows for illumination in multiple directions.

With respect to claim 16, Roberts teaches the outside mirror wherein the IR LED and the visible LED can be surface-mounted (Column 24, Lines 10-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hsieh invention with the teachings of Roberts et al. because mounting the emitters on the surface allows for the greatest range of illumination.

With respect to claim 17, Roberts teaches the outside mirror wherein the substrate is flexible (Figure 29b). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hsieh invention with the teachings of Roberts et al. because making the substrate flexible allows for easier assembly within the housing.

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With respect to claim 18, Hsieh further teaches the outside mirror wherein the image capturing unit has a mechanism to be tilted by manual operation or by remote operation (Column 5, Lines 50-51).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doi (JP 2000062531 A) teaches vehicle periphery confirming device that uses a camera attached to the side-view mirror to view the vehicle's front wheel. Nakamura (US Pub. No. 2002/0118282) teaches an on-vehicle camera housed with a light emitting unit in an outside mirror of a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RENEE LUEBKE
PRIMARY EXAMINER